

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)

Performance Measurements and Standards for)
Unbundled Network Elements and) CC Docket No. 01-318
Interconnection)

Initial Comments of Fred Williamson & Associates, Inc.

Fred Williamson & Associates, Inc. ("FW&A") respectfully submits Initial Comments in response to the NPRM establishing the standard in performance measures for incumbent local exchange carriers (LECs).

The Federal Communications Commission (FCC) recently incorporated a rulemaking proceeding to establish a core set of national performance measurements and standards to facilitate market entrance for competitors. The Notice of Proposed Rulemaking (NPRM) introduced twelve (12) performance measures that seek to identify standards for provisioning wholesale facilities and services by the LECs to competitors.

The NPRM also raised the question whether these standards should be limited to the larger LECs or apply to all, including small, rural, and mid-sized LECs.

With the implementation of these standards, the Commission seeks to accomplish the following goals:

- Create certainty in the marketplace by ensuring that a LEC, which has received a bonafide request for competitive interconnection, has provided access to its systems in a non-discriminatory way.
- Reduce the overall burden of competitive entrance into the marketplace by simplifying reporting costs and regulatory requirements.
- Establish self-enforcement penalties for unlawful practices by the incumbents.

FW&A does not have comments regarding changes to these performance measures proposed by the Commission. These performance measures may ease a CLEC's entrance into a large LEC's (likely urban) marketplace by insuring competitive neutrality in the use of a large LEC's system. However, in small ILEC's largely rural markets, these measures would create an undue financial burden and are unnecessary because of the size and scope of the ILEC's operations. The measures are unnecessary now in most rural ILEC serving areas because facility-based competition, requiring access to systems, has not entered these markets. Even if a competitor seeks to access a small ILEC's market or serving area, mechanized systems such as those used by large LECs may not be available. Unlike the complex operations of a large LEC, which may require the use of performance measures to spot problem areas, small LEC performance measurement problems, if any, will be easily identifiable because of the size of the ILEC's operation. Consequently, for small ILECs, problems, if any, should be dealt with on a case-by-case basis, instead of imposing unnecessary and costly ongoing performance measurement procedures.

FW&A agrees with the comments of OPASTCO, NECA and the National Rural Telecom Association (NRTA) that the FCC should exempt rural ILECs from mandatory performance standards for the provisioning of UNEs and interconnection arrangements. The associations stated that rural ILECs should not be subjected to performance measurement and reporting requirements of questionable benefit that would be costly and burdensome to them. Additionally, rural ILECs should also be exempt from the Commission's proposed enforcement measures. The associations also believe that the FCC's proposed penalties are excessive and would be inappropriate for rural ILECs under any circumstances.

The complaints that initiated this proceeding dealt with large ILECs, e.g., Verizon, Qwest (formerly U S West) and SBC Communications, for their alleged failure to provide loops and special access circuits to competitors in a timely, efficient and nondiscriminatory manner. None of the complaints were against rural ILECs, and there is no evidence of a need for new special access performance and reporting requirements for rural ILECs. Adoption of any new special access performance standards and reporting requirements should not be applied to rural ILECs, particularly given the fact that rural carriers have done nothing to warrant such treatment.

FW&A believes that an individual case-specific review would be a better approach, if and when a special access complaint is filed against a rural ILEC. This methodology is consistent with the FCC's desire not to impose unnecessary regulations on the marketplace. The approach also recognizes the fact that one size does not fit all when addressing the needs of rural and small companies.

The Commission should use this opportunity to consider and develop rational guidelines that can address the needs of the Telecommunications Industry. The resolution of the standards and questions brought forth in this NPRM should not penalize rural ILECs based on the alleged wrongdoings committed by a handful of large carriers.

Respectfully submitted,

Fred Williamson & Associates, Inc.